

REMARKS

Claims 1 to 15 and 17 to 26 are pending. Claim 16 is canceled. Claims 19 to 26 have been withdrawn from consideration. Claims 1, 4, 5, 6, 12, 15, 17, 19, and 23 are currently amended.

Reconsideration of the application, as amended, is requested.

Support for the amendments to claim 1 and 19 can be found in the specification, for example, in paragraphs [0013], [0015], and [0043] and in Fig. 1, in which it is shown that the first portion 11 provides a surface for foot traffic and the second portion 12 extends along the front of the step.

Support for the amendments to claim 17 can be found in the specification, for example, in the first sentence of paragraph [0015] and in Fig. 1.

Claims 1, 12, and 19 have been amended in lines 4, 3, and 12, respectively, to correct inadvertent transcription errors introduced in the immediate prior version of the claims.

Claims 4, 5, 6, 15, and 23 have been amended to correct inadvertent drafting errors. It is submitted that the amendments are supported by the originally filed claims.

With regard to claim 18, it is submitted that a step on a ladder is generally known as a rung.

Claim 19 has been amended to include all of the limitations of claim 1. Each of claims 20 to 26 depend directly or indirectly from claim 19. Rejoinder of claims 19 to 26 is respectfully requested.

Interview Summary

The undersigned acknowledges with appreciation the in-person interview granted by the Examiner on August 22, 2007, during which the amendments and support presented herein were discussed.

§ 103 Rejections

Claims 1 to 15, 17 and 18 stand rejected under 35 USC § 103(a) as being unpatentable over Lux (U.S. Patent No. 5,928,070) in view of Emerson et al. (U.S. Publication No. 2003/0226318).

With regard to the amendment presented in the response dated February 15, 2007, the Office Action states:

Lux fails to disclose three-dimensional textured article with an angle between a first portion and a second portion.

Emerson discloses an abrasive article comprising a three dimensional shape with a first, second and third portion wherein the second and third portions are positioned at an angle of at least 45 degrees relative to the first surface (*figure 2*). The additional surface area of the three dimensional article helps sufficiently decrease surface roughness and remove the grinding marks or other small imperfections (*page 1, paragraph [0002]*). The first portion is deemed to for a tread surface, since the Applicant's specification (*page 3, paragraph [0015]*) merely indicates that the tread is the surface corresponding to the first portion. Also, the second portion is deemed to be capable of contacting the front of a step. It is noted that the article need only have the ability to be "configured to contact the front of a step when the stair tread cover is placed on a step," since this limitation is only further limiting to the intended use of the article.

Claim 1 has been amended to further clarify the structural difference between Applicant's claimed invention and the art cited in the Office Action. It is respectfully submitted that neither Lux, nor Emerson et al., nor the combination thereof teach all of the limitations of amended claim 1. For example, the cited art does not teach a stair tread cover in which "the first portion forms an anti-slip surface for foot traffic, and wherein the second portion is configured to extend along the front of a step when the three-dimensional textured stair tread cover is placed on a step".

In addition, there is no suggestion or motivation to modify Lux, Emerson et al., or the combination thereof to obtain the invention claimed in amended claim 1. Lux and Emerson et al. are both directed toward abrasive articles and do not provide a proper motivation for one of ordinary skill in the art to modify Lux in view of Emerson et al. to make a three-dimensional textured article that could function as a stair tread cover having an anti-slip surface for foot traffic and a second portion configured to extend along the front of a step. Moreover, the Office

Action does not provide any other evidence that one of ordinary skill in the art would be properly motivated to so modify Lux in view of Emerson et al.

The rejection of claim 1 under 35 USC § 103(a) as being unpatentable over Lux in view of Emerson et al. has therefore been overcome and should be withdrawn.

Claims 2 to 15, 17, and 18 each depend directly or indirectly from claim 1. Claim 1 is patentable at least for the reasons given above. Thus, claims 2 to 15, 17, and 18 are likewise patentable.

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application, as amended, is requested.

Respectfully submitted,

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